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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,037	07/23/2003	Warren J. Scherer	512-160	1255

7590 05/16/2007
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EXAMINER

ROYDS, LESLIE A

ART UNIT	PAPER NUMBER
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1614

MAIL DATE	DELIVERY MODE
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05/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/626,037	7/23/2003	SCHERER, WARREN J.	512-160

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EXAMINER

Leslie A. Royds

ART UNIT	PAPER
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20070503

DATE MAILED:

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Commissioner for Patents

NOTICE OF NON-RESPONSIVE AMENDMENT

Applicant's response filed 12 March 2007 to the Requirement for Restriction/Election dated September 11, 2006 has been received and entered into the present application. Applicant's election of the invention of Group II (claims 5-6), directed to a method for treating cutaneous flushing as it results from menopause-associated hot flashes comprising the administration of an alpha-2-adrenergic receptor agonist, and the election of (i) brimonidine tartrate as the alpha-2-adrenergic receptor agonist and the genus of steroidal anti-inflammatory agents as the additional agent, to which examination on the merits will be restricted, is acknowledged.

The response filed 12 March 2007 is held to be non-responsive for the following reasons:

- (1) Applicant's election of the genus of "steroidal anti-inflammatory agents" does not satisfy the requirements set forth in the Requirement for Restriction/Election of 11 September 2006. In particular, and as noted at pages 5-7 of the requirement, Applicant was required to select a single disclosed specie from any one of the genera listed in, e.g., claim 11. Applicant's election of the genus of steroidal anti-inflammatory agents is non-responsive to the previous Office Action because it does not identify the single disclosed specie of steroidal anti-inflammatory agent to which prosecution on the merits will be restricted. Should Applicant again elect a genus of agents in response to this action, the reply will again be held non-responsive.
- (2) Applicant has failed to identify the claims that are readable upon the elected species of alpha-2-adrenergic agonist and additional agent as required at page 7 of the requirement for restriction/election.

Applicant is advised that a proper reply to this letter will identify the particular single disclosed specie of steroidal anti-inflammatory agent for prosecution on the merits and will also clearly identify the claims readable upon the elected invention and specie(s). Since the above-mentioned response appears to be a bona fide attempt to reply, Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction, as well as a proper response to the previous Office Action, in order to avoid abandonment. Extensions of this time period under 37 C.F.R. 1.136(a) are available. Inquiry concerning this communication or earlier communications from the Examiner should be directed to Leslie A. Royds, whose telephone number is (571)-272-6096. The Examiner can normally be reached Monday through Friday, 9:00 AM to 5:30 PM. If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Ardin H. Marschel, can be reached on (571)-272-0718. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Ardin H. Marschel 5/12/07
ARDIN H. MARSCHEL

SUPERVISORY PATENT EXAMINER

Leslie A. Royds
Patent Examiner
Art Unit 1614

Leslie A. Royds
03 MAY 2007